

# Notice of Allowability

Application No.

10/034,680

Examiner

Dennis Rosario

Applicant(s)

SOUBELET ET AL.

Art Unit

2621

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amt. 8/24/2005.
2. ☒ The allowed claim(s) is/are 1,2,4,5,7-20 and 22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 12/19/2001
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

JOSEPH MANCUSO  
SUPERVISORY PATENT EXAMINER

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Arnold, Registration No. 48,894 on 12/08/2005.

The application has been amended as follows:

Claim 1, line 6 change "a rectangular" to --a substantially rectangular--.

Claim 1, last line insert --wherein the images are displayed side by side and in which the alignment comprises the steps of:

comparing a vertical dimension of the region of interest on each image, and  
if the vertical dimensions are identical, performing vertical alignment of an upper or lower edge of the regions of interest--.

Claim 5, last line insert --wherein the region of interest is a substantially rectangular region of the image of a minimum surface area to cover the body part--.

Cancel claim 6.

Claim 19, line 7 change "a region of interest" to --a substantially rectangular region of interest of a minimum surface area--.

***Response to Amendment***

2. The amendment was received on August 24, 2005. Claims 1,2,4,5,7-20 and 22 are pending.

***Specification***

3. Due to the amendment, the objection to the specification is withdrawn.

***Allowable Subject Matter***

4. Claims 1,2,4,5,7-20 and 22 are allowed.  
5. The following is an examiner's statement of reasons for allowance:

Claim 1 as amended by examiner's amendment is allowable because the prior art does not teach the limitation of performing vertical alignment of an upper or lower edge of the region of interest wherein the region of interest is a rectangular region of the image of a minimum surface area to cover the body part.

The closest prior art Carrott et al. (US Patent 6,396,940 B1) teaches alignment of two square images as shown in figure 5a and 5b using the whole region of interest 106 and 107, respectively, but the region of interest is an arbitrary shape and an upper or lower edge of the region of interest is not distinguished in fig. 5a, num. 106 to align with an upper or lower region of interest of fig. 5b, num. 107.

In addition another prior art, Oosawa (US Patent Application Publication US 2001/0002934 A1) teaches aligning an upper portion of a lung, fig. 8, label: "Su" with an upper portion of another lung, fig. 8, label: "P2", but the claimed region of interest that is a rectangular region of the image of a minimum surface area to cover the body part is not taught or suggested. Thus, dependent claims 2, 7-18 are allowed for depending on an allowed claim 1.

Claims 5 and 19 are allowed for the same reasons as claim 1.

Thus, dependent claims 4, 20 and 22 are allowed for depending on an allowed claims 5 and 19, respectively.

The benefit of claims 1, 5 and 19 provides a simple and practical comparison of two images.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario whose telephone number is (571) 272-7397. The examiner can normally be reached on 6-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DR  
Dennis Rosario  
Unit 2621



JOSEPH MANCUSO  
SUPERVISORY PATENT EXAMINER